

SUBCHAPTER 8
FIRE AND POLICE EMPLOYES

350-131. Holiday Premium Pay. 1. Police officers not covered by a labor contract assigned by police department administration to duty on January 1, July 4, the first Monday in September or December 25 shall be compensated in cash at a rate of 1.5 times their base salary rate for all such duty, computed to the nearest tenth of an hour. Such compensation shall not extend to any other calendar date on which New Year's Day, Independence Day, Labor Day or Christmas may be officially observed.

4. Application of the provisions enumerated herein shall not involve pyramiding of the compensation described herein. No employe shall receive overtime benefits and/or shift or weekend differential benefits in addition to holiday premium pay.

5. Any payment made in addition to the employe's base rate of pay under the provisions of this section shall not have any sum deducted for pension benefits nor shall such payments be included in determining pension benefits or other fringe benefits.

6. Administration and control of the provisions of this section shall be under the chief of police.

350-132. Certification Pay. 1. EMPLOYES ELIGIBLE. Employees in active service and in the following position classifications shall be eligible for the compensation provided in this section, subject to established terms and conditions, as long as they remain in active service and within the stated classifications:

- a. Chief of Police.
- b. Assistant chief of police.
- c. Inspector of police.

2. COMPENSATION. a. An employe in active service and occupying a position classification in sub. 1 who is deemed certified as being qualified to be a law enforcement officer in the state of Wisconsin by the law enforcement standards board (LESB) as of the close of a calendar year shall be entitled to receive a \$600 payment termed "certification pay." Once LESB certification has been established during a calendar year, an employe must maintain that certification for the balance of such calendar year in order to receive certification pay benefits for that calendar year.

b. An employe retiring on normal pension, or resigning voluntarily from the police department, and who was LESB-certified at the time of such retirement or resignation shall be entitled to the benefits provided by par. a prorated on the basis of his or her active service in the calendar year he or she retired, computed to the nearest calendar month. For purposes of prorating, an employe on the police department payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month; in the event the employe is on the police department payroll less than 14 days in a calendar month, then the employe shall be deemed as not having been on the payroll at all during the calendar month. For purposes of determining eligibility for the benefits provided in par. a, years of service shall be computed as of the effective date of the employe's retirement or voluntary resignation. Payments earned shall be made as soon as is administratively practicable after the employe's retirement or voluntary resignation.

3. Except as provided in sub. 4, payments made under this section shall not be included in the determination of overtime compensation or any other fringe benefits.

4. Employees who retire from active service shall have their certification pay benefits included in final average salary for purposes of computing their service retirement allowances. For purposes of interpretation and construction of this section, the certification pay benefit the employe is entitled to include in the final average salary computation shall be an amount equal to the certification pay payment the employe received for December 31 of the calendar year immediately preceding the employe's effective date of retirement.

5. An employe on a military leave of absence for performance of duty as a member of the state of Wisconsin national guard or reserve component of the armed forces of the United States shall be eligible for certification pay benefits for a calendar year prorated on the basis of the employe's active service with the department in that calendar year subject to the following:

a. The military leave is a result of being called to, or volunteering for, active duty under the authority granted to the president of the United States or the congress of the United States for a period of more than 30 calendar days.

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b. Prorated certification pay shall be calculated as of the effective date the employee separated from active service with the department and began his or her unpaid military leave of absence.

c. For purposes of prorating certification pay benefits, an employee on the police department payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month; in the event the employee is on the payroll less than 14 days in a calendar month, exclusive of any mandatory furlough time, then the employee shall be deemed as not having been on the payroll at all during the calendar month.

350-133. Variable Shift Assignment Pay.

1. EMPLOYEES ELIGIBLE. Employees in active service and in the following position classifications shall be eligible for the compensation provided in this section, subject to established terms and conditions, as long as they remain in active service and within the stated classifications:

- a. Chief of police.
- b. Assistant chief of police.
- c. Deputy chief of police.
- d. Police commander.

2. COMPENSATION. a-1. An eligible employee in active service and occupying a position classification in sub. 1 on December 31 of a calendar year shall receive \$1,050 for that calendar year. Effective with calendar year 2000 payments, this amount shall be increased to \$1,150.

a-2. Effective with calendar year 1997, an employee with at least 20 years of active service as a law enforcement officer in the police department on December 31 of a calendar year shall be entitled to receive \$250 per calendar year in addition to the amount the employee is entitled to receive under subd. 1. Payment of this additional \$250 shall be first effective for eligible employees in active service as of December 31, 1997.

b. An employee who commences receiving a normal service retirement allowance during a calendar year shall receive an additional \$350 supplemental to the payment provided in par. a for the calendar year immediately preceding the calendar year in which the employee retired. The employee shall also receive an amount equal to the amount to which he or she is entitled to under par. a for the calendar year in which the employee retired, prorated on the basis of active service in the calendar year of retirement.

c. An eligible employee who separates from active service on account of voluntary

resignation during a calendar year shall receive the amount provided in par. a, prorated on the basis of the employee's active service while covered by this section during the calendar year in which the employee's separation occurred, computed to the nearest calendar month.

3. ADMINISTRATION. a. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees must be in active service and covered by this section on December 31 of a calendar year in order to be eligible for that calendar year's variable shift assignment pay payment.

b. Payments made under this section shall be made as soon as it is administratively practicable following the date on which entitlement is established. In the case of an employee who commences a normal service retirement allowance in a calendar year, the supplemental amount provided in subpar. 2-b shall be paid after the employee's effective retirement date. Prorated payments made under this section shall be determined as follows:

b-1. An employee covered by this section and in active service for at least 14 days in a calendar month shall be deemed as having been covered by this section and in active service for the full calendar month.

b-2. If the employee is covered by this section and in active service for less than 14 days in a calendar month, exclusive of any mandatory furlough time, the employee shall be deemed as not having been covered by this section and in active service at all during the calendar month.

c. Except as provided for by ss. 35-01-60, 35-04-1, 36-02-12 and 15 and 36-08-7-b of the Milwaukee city charter, payments made under this section shall not be construed as being part of the eligible employee's base pay and shall not be included in the computation of any fringe benefit owing to the employee from any source.

d. For purposes of interpretation and construction of this section the variable shift assignment pay benefit to which the employee is entitled to include in his or her final average salary computation shall be an amount equal to the variable shift assignment pay payment the employee received for the calendar year immediately preceding the employee's effective date or retirement, but excluding any amount the employee received under par. a-2.

e. Variable shift assignment pay payments are compensation for and in recognition of the city's sole and unrestricted right to vary from time to time and without advance notice the starting time of an employee's regularly scheduled 8-hour shift assignment or the day on which such regular shift assignment occurs. Variable shift assignment pay payments are in lieu of any other compensation for the city's retention of this right, including, without limitation, any "out-of-shift" pay premium.

350-134. Interpreter/Translator Pay.

1. POSITIONS ELIGIBLE. Employees in active service on or after August 6, 1989, and in the following position classifications shall be eligible for the compensation provided for under this section, subject to the terms and conditions established in this section therefor:

- a. Chief of police.
- b. Assistant chief of police.
- c. Inspector of police.

2. WHEN REQUIRED. The chief of police is authorized to direct employees under sub. 1 to perform interpreter/translator duties consistent with employees' capabilities for such duties and the needs of the police service. Employees shall perform authorized interpreter/translator duties as a result of:

- a. Direction from the employee's commanding officer; or
- b. The employee's response to a request for an interpreter/translator broadcast over the police department radio network. If more than one employee responds to such a request, only those employees actually needed to perform interpreter/translator duties shall be entitled to receive interpreter/translator pay.

3. COMPENSATION. An eligible employee shall be entitled to receive premium pay, termed "interpreter/translator pay", equal to \$1.00 per hour in addition to his or her base salary for each actual hour or nearest 0.1 of an hour spent performing interpreter/translator duties. Interpreter/translator pay shall be compensated at a flat rate of \$1.00 per hour irrespective of whether the employee is in premium pay status.

4. ADMINISTRATION. a. Interpreter/translator duties eligible for compensation shall be limited to authorized duties performed by the employee involving interpretation or

translation of a language other than English at a level of competence deemed acceptable to the police department. Such "other languages" comprise the following non-English languages currently recognized by the police department:

- a-1. American Sign.
- a-2. German.
- a-3. Greek.
- a-4. Italian.
- a-5. Kurdish.
- a-6. Polish.
- a-7. Russian.
- a-8. Spanish.

b. An employee possessing interpreter/translator ability in a non-English language that is not listed above may at any time file a written request with the department to add that language to the list.

c. Interpreter/translator pay payments to employees entitled to receive them shall be made quarterly during the calendar year on such dates after August 6, 1989, as the police department shall prescribe.

d. Interpreter/translator pay shall only be granted when an employee is actually performing interpreter/translator duties and shall not be granted when an employee is directed to perform other duties.

e. Payments made under this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any fringe benefits of the employee.

f. Any payment made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in the determination of pension benefits or other fringe benefits.

350-135. Automobile Usage for Nonrepresented, Noncivilian Police Department Management Employees. 1.

EMPLOYEES ELIGIBLE. Employees in active service and in the following position classifications shall be covered by this section as long as they remain in active service and within such classifications:

- a. Chief of police.
- b. Assistant chief of police.
- c. Inspector of police.

2. USE OF PRIVATE VEHICLES. a. An employee may, at the employee's option, use the employee's privately owned vehicle for

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departmental business only under express authorization from the employee's commanding officer. When such use is authorized, the city will indemnify the employee for any property damage sustained by the employee's automobile and shall represent the employee and be responsible for any judgment, damages and costs entered against the employee for acts arising out of the employee's official capacity while acting within the scope of the employee's employment.

b. When an employee is authorized by the employee's commanding officer to use the employee's private vehicle on departmental business, in accordance with departmental procedures established for that purpose, and the vehicle sustains damage during such use, the employee shall submit a written report of the damage to the employee's commanding officer before the end of the workshift in which the damages occurred. The report shall include a description of the damages, the date and time of occurrence and the cause. Reasonable amounts of damages from causes other than negligence of the employee will be reimbursed by the city, provided the employee submits documentation of such costs to the employee's commanding officer no later than 7 calendar days following the occurrence of the damages.

350-137. Police Educational Program.

1. POSITIONS ELIGIBLE. The following classes of positions in the police department shall receive additional compensation for the completion of approved course work subject to the conditions of this section:

- a. Chief of police.
- b. Assistant chief of police.
- c. Deputy chief of police.
- d. Inspector of police.

2. INCREMENTS. Annual payment for the completion of approved course work shall be as follows:

- a. \$95 per year for officers with at least 16 credits, but less than 28 credits.
- b. \$145 per year for officers with at least 28 credits, but less than 40 credits.
- c. \$195 per year for officers with at least 40 credits, but less than 52 credits.
- d. \$245 per year for officers with at least 52 credits, but less than 64 credits.

e. \$295 per year for officers with at least 64 credits, but less than 90 credits; or if eligible employee possesses an associate degree.

f. \$370 for officers with at least 90 credits, but less than 120 credits.

g. \$470 for officers with 120 or more credits, but not possessing a bachelor's degree; \$750 per year for a bachelor's degree.

h. No employee may receive more than \$770 of educational pay for a calendar year regardless of the number of degrees and credits earned; no employee may receive more than \$470 of educational pay for a calendar year unless the employee holds a bachelor's degree.

3. EFFECTIVE DATE. These payments shall be made on an annual basis as soon as possible after December 31 of the current year. Officers who attain the required educational credits during the calendar year shall be paid a prorated amount from the first pay period after the educational courses are completed and reported to the police department to December 31 of the appropriate year.

4. FULL YEAR'S EMPLOYMENT. No officer shall receive an educational bonus payment for any year in which he does not remain in the employment of the police department, for a full calendar year.

5. MINIMUM YEARS OF SERVICE. No officer will be eligible for an educational bonus payment unless he or she has a minimum of 5 years' service in the police department with a rank of police officer or above.

6. ADDED TO BASE SALARY. Educational bonus payment shall be in addition to the base salary of the position eligible for such payments. These payments shall not be used in the calculation of overtime pay or in the calculation of pension benefits.

7. APPROVED COURSES. Approved courses of study for which payment will be made under this section are courses in which credit has been successfully earned from one of the following regional accreditation associations: North Central Association of Colleges and Schools; Middle States Association of Colleges and Schools; New England Association of Schools and Colleges, Inc.; Northwest Association of Colleges and Schools; Southern Association of Colleges and Schools; Western Association of Schools and Colleges.

8. DEGREES. Police officers who have earned a degree shall request that the degree-granting collegiate institutions send a report to the police department with a statement as to the date on which the degree was conferred, the major field of study pursued, and that the institution was a member in good standing of an association listed in sub. 7 at the time the degree was granted.

9. TRANSCRIPT COSTS. Any transcripts or credits or evaluation thereof shall be at the expense, if any, of the applying police officer.

10. OFFICER RESPONSIBLE. Each eligible police officer shall be responsible for making the necessary requests of collegiate institutions for the purpose of informing the Milwaukee police department as to the number of credits that apply on the above described educational bonus payments plan.

11. ADMINISTRATION. Administration and control of the provisions enumerated herein shall be under the chief of police.

350-143. Fire Department Hours of Work.

1. ELIGIBILITY. Employees in active service and in the following position classifications shall be covered by this section so long as they remain in active service and within such classes:

- a. Fire mechanic helper.
- b. Fire stores clerk.
- c. Fire maintenance mechanic.
- d. Fire equipment repairer I.
- e. Fire equipment mechanic I.
- f. Fire equipment repairer II.
- g. Fire equipment mechanic II.
- h. Fire building and equipment maintenance specialist.
- i. Fire equipment mechanic III.
- j. Assistant superintendent of construction and maintenance.
- k. Firefighter.
- L. Motor pump operator.
- m. Fire lieutenant.
- n. Fire equipment dispatcher.
- o. Assistant chief dispatcher of fire alarm and telegraph.
- p. Relief shift supervisor.
- q. Chief dispatcher of fire alarm and telegraph.
- r. Motor vehicle operator instructor.
- s. Fire captain.
- t. Battalion chief, fire.
- u. Deputy chief, fire.
- v. First assistant chief engineer.
- w. Chief engineer, fire.

2. FIREFIGHTING DIVISION. Effective January 1, 1988, the normal hours of work for employees employed in the firefighting division shall average 49.8 hours per week.

3. BUREAU OF FIRE COMMUNICATIONS. Effective January 1, 1989, the normal hours of work for employees employed in the bureau of fire communications shall average 40 hours per week.

4. BUREAU OF INSTRUCTION AND TRAINING. The normal hours of work for employees employed in the bureau of instruction and training shall average 40 hours per week.

5. BUREAU OF ADMINISTRATION. The normal hours of work for employees employed in the bureau of administration shall average 40 hours per week.

6. BUREAU OF CONSTRUCTION AND MAINTENANCE. The normal hours of work for employees employed in the bureau of construction and maintenance of the fire department shall average 40 per week.

7. OTHER FIRE DEPARTMENT PERSONNEL. The hours of work for all fire department personnel not covered by subs. 1 to 6 shall be as set forth and provided elsewhere in the code.

350-145. Fire Department Holiday Compensation. 1. ELIGIBILITY. Eligible fire department employees in active service and in the following position classifications shall be eligible for the benefits provided under this section as long as they remain in active service and within such classifications:

- a. Relief shift supervisor.
- b. Assistant chief dispatcher of fire alarm and telegraph.
- c. Chief dispatcher of fire alarm and telegraph.
- d. Motor vehicle operator instructor.
- e. Battalion chief, fire.
- f. Deputy chief, fire.
- g. First assistant chief engineer.
- h. Chief engineer, fire.

2. FIRE FIGHTING DIVISION. While assigned to the fire fighting division of the fire department, an eligible employee shall be entitled to 24 hours off per calendar year in lieu of duty off on legal holidays.

3. BUREAU OF FIRE COMMUNICATIONS. Employees in the position classifications of chief dispatcher of fire alarm and telegraph and assistant chief dispatcher of

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fire alarm and telegraph shall receive eight 8-hour work days off per calendar year in lieu of duty time off on legal holidays. The 8 holidays shall be scheduled by the fire chief. Effective in calendar year 1988, employees shall be eligible for one additional 8-hour day in recognition of Dr. Martin Luther King which will be scheduled by the employee in accordance with the needs of the bureau of fire communications.

4. BUREAU OF INSTRUCTION AND TRAINING AND BUREAU OF ADMINISTRATION. While assigned to the bureau of instruction and training or the bureau of administration, an eligible employee shall be granted up to ten 8-hour work days off per calendar year in lieu of duty time off on legal holidays. The employee shall also be granted up to an additional two 8-hour work days off per calendar year if he or she was on the payroll, on leaves of absence, or working toward year-around employment, as of January 1, 1963, and up to an additional two 8-hour work days off per calendar year he or she was on the payroll, on leave of absence, or working toward year-around employment as of January 1, 1964. Effective in calendar year 1988, employees shall receive Dr. Martin Luther King day as an 8-hour holiday.

5. ADMINISTRATION. a. Earning of Holiday Compensation. All time off that fire department employees are eligible to receive under subs. 2 to 4 shall be taken in the calendar year in which it was earned. Time off shall be earned at a rate of 1/12 of the time off per calendar year for each calendar month during the calendar year the employee was on the fire department payroll. For purposes of interpretation of this provision, an employee on the fire department payroll for at least 14 days in a calendar month shall be deemed as having been on the fire department payroll for the full calendar month. If the employee is on the fire department payroll for less than 14 days in a calendar month, exclusive of any mandatory furlough time, then the employee shall be deemed as not having been on the payroll at all during such calendar month.

b. Pro rata Credit for Holiday Compensation. Employees assigned to work in more than one of the categories set forth above in subs. 2 to 4 during the course of a calendar year shall receive the time off specified under each such category prorated on the basis of the time spent in such category during the calendar year.

c. Unused Holiday Compensation. An employee on authorized injury leave as a result of a duty-incurred injury may use holiday off time scheduled during the period of such leave provided the employee notifies his or her supervisor orally of this fact prior to the start of such holiday time off. An employee on authorized injury leave as a result of a duty-incurred injury not using holiday off time scheduled during the period of the employee's leave, because he or she did not make a request for it, shall have his or her unused holiday off time rescheduled by the fire department administration when the employee returns to duty if it is possible to do so before the end of the calendar year. In the event the fire department administration is unable to reschedule all of the employee's remaining unused holiday off time before the end of the calendar year, the employee shall be entitled to receive a lump-sum payment equivalent to the dollar value of the remaining unused holiday off time at the end of the calendar year, computed on the basis of the employee's hourly base salary rate in effect at the time for which the holiday off time was originally scheduled. This lump-sum payment shall be made as soon as is administratively practicable following the end of the calendar year. The lump-sum payment shall not be construed as being part of the employee's base salary and shall not be included in the computation of any fringe benefits. The lump-sum payment shall not have any sum deducted for pension benefits nor shall it be included in any computation establishing pension benefits or payments. When authorized by the fire department administration, an employee may elect to carry over into the next succeeding calendar year any remaining unused holiday off time that the fire department administration was unable to reschedule by the end of the calendar year, instead of the lump-sum payment provided for above. The scheduling of carried-over holiday off time shall be subject to availability of the dates requested by the employee, require prior approval by the employee's supervisor and in no way affect the scheduling of other employee holiday off time. The provisions of this subsection shall become effective on January 1, 1984, for holiday time occurring on or after that date. Prior to that date, existing departmental practices shall apply.

350-147. Fire Company and Battalion Staffing.

1. DEPUTY CHIEF STAFFING IN THE FIREFIGHTING SERVICE DIVISION. When the chief engineer, fire, determines that there is an operational deficiency in the normal on-duty staffing for deputy chief, fire, in the firefighting service division command on a Saturday, Sunday or holiday, he or she may assign a deputy chief, fire, from any bureau to fill the vacancy. Compensation for such assignment shall be at the employee's base rate of pay.

2. BATTALION CHIEF STAFFING. When the fire chief determines that there is an operational deficiency in the normal on-duty staffing for battalion chief exceeding 2 positions, the first such assignment shall be underfilled by a captain, the 2nd assignment to be filled by a battalion chief and the 3rd assignment underfilled by a captain. These assignments are only as designated, assigned or authorized by the fire chief. Compensation for such assignment shall be at the employees' base rate of pay.

3. PAYMENTS. Any payments earned under the provisions of this section shall not be considered in computing pension or other employee benefits. Members of the department on trade shall not be eligible for such assignment; except that the chief or a designee may permit an employee on trade to perform such an assignment when the chief deems it appropriate.

4. ADMINISTRATION. Administration and control of the provisions of this section shall be under the chief engineer, fire, who may, as he sees fit, in an emergency situation, suspend these provisions.

5. EFFECTIVE DATE. The terms and conditions set forth in subs. 1 to 4 shall be deemed to take effect and be in force from and after December 30, 1973.

350-149. Fire Department: Educational Program.

1. POSITIONS ELIGIBLE. Employees in active service and in the following position classifications shall be eligible for annual educational program payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classifications:

- a. Battalion chief classifications.
- b. Deputy chief, fire.
- c. Assistant fire chief.
- d. Fire chief.

2. BENEFITS. a. An eligible employee who has attained an associate degree in fire

science and technology shall receive an annual educational program payment of \$225 according to the terms and conditions set forth in sub. 3. Furthermore, for calendar year 2006 payments, an employee who is a registered nurse and whose education is less than a bachelor's degree shall receive \$225; however, no payment shall be provided unless such employee possesses a current registered nurse license.

b. An employee who has a bachelors degree in public administration, business administration or management, psychology, nursing, personnel administration or management, or an equivalent degree, such equivalency determined by the department of employee relations, and effective for payments for calendar year 2009, public health, chemical engineering, training and development, physical education, health education, or physician assistant, shall be eligible for an annual payment of \$325, subject to the terms and conditions set forth in sub. 3.

c. An eligible employee who has attained a masters degree in public administration, business administration or management, psychology, nursing, personnel administration or management, or an equivalent degree, such equivalency determined by the department of employee relations, and effective for payments for calendar year 2009, public health, chemical engineering, training and development, physical education, health education, or physician assistant shall be eligible for an annual payment of \$425, subject to the terms and conditions set forth in sub. 3.

d. An employee who is eligible for more than one of the educational program payments provided in pars. a to c in a calendar year shall only be entitled to receive the largest of the payments for that calendar year.

3. ADMINISTRATION. a. Only degrees from colleges and universities accredited by the North Central Association of Colleges and Secondary Schools, and effective for payments for calendar year 2009, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Inc., Northwest Association of Colleges and Schools, Southern Association of Colleges and Schools and the Western Association of Schools and Colleges shall be eligible for the payments provided in sub. 2.

b. Educational program payments shall be made as soon as is administratively

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practicable following the close of the calendar year in which eligibility therefor is established. No payments will be made to an employee for any calendar year in which the employee did not remain in the employment of the fire department for the full calendar year. An employee who attains the required degree during the calendar year shall be paid a prorated amount from the first pay period after the date the degree is awarded to December 31 of that calendar year.

c. Educational pay shall not be used in the calculation of overtime pay or in the calculation of pension benefits. Any payment made under this section shall not have any sum deducted for pension benefits, nor shall such benefits be included in the determination of pension benefits or other fringe benefits.

d. An employee who has earned a degree pursuant to this section shall request that the degree-granting institution send a report to the fire department with a statement as to the date on which the degree was conferred, the major field of study pursued, and that the institution was accredited by the North Central Association of Colleges and Secondary Schools, or effective for payments for calendar year 2009, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Inc., Northwest Association of Colleges and Schools, Southern Association of Colleges and Schools and the Western Association of Schools and Colleges at the time the degree was granted.

e. An employee shall be responsible for making the necessary requests of the educational institution for the purpose of informing the fire department as to the attainment of a degree and shall be responsible for any costs associated therewith.

f. Administration and control of this section shall be by the fire chief and the city.

350-150. Recall Allowance. 1. POSITIONS ELIGIBLE. Employees in active service at the close of the calendar year and in the following position classifications shall be eligible for annual recall allowance payments provided under this section in accordance with the terms and conditions established so long as they are in active service and in such classifications:

- a. Battalion chief classifications.
- b. Deputy chief, fire.

2. COMPENSATION. Effective for calendar year 2003, an eligible employee shall receive an annual allowance of \$850.

3. ADMINISTRATION. a. Payments made under this section shall be paid as soon as practical after December 31 of the year in which they were earned.

b. An employee who separates from active service during a calendar year on account of voluntary resignation or normal service retirement shall receive recall pay prorated on the basis of active service during such calendar year, computed to the nearest month. For the purpose of prorating, an employee in active service at least 14 days in a calendar month, shall be considered to have been in active service for the entire month. An employee in active service less than 14 days in a calendar month, exclusive of any mandatory furlough time, shall be considered not to have been in active service at all for such calendar month.

c. Payments made under this section shall not be construed as part of an employee's base salary and shall not be included in the computation of any fringe benefit.

d. Payments made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in any computation establishing pension benefits or payments

e. Administration and control of this section shall be by the city.

350-151. Fire Department: Special Unit Pay.

1. POSITIONS ELIGIBLE. Employees in active service and in the following position classifications shall be eligible for annual special unit payments provided under this section in accordance with the terms and conditions established therefor, so long as they are in active service and in such classifications:

- a. Assistant chief dispatcher of fire alarm and telegraph.
- b. Chief dispatcher of fire alarm and telegraph.
- c. Battalion chief, vehicle operations.
- d. Battalion chief, fire.
- e. Deputy chief, fire.
- f. First assistant chief engineer.
- g. Fire chief.

2. COMPENSATION. a. An eligible employee assigned by the fire chief to any of the following special teams shall receive an amount in addition to base salary equivalent to \$240 per year: scuba diving team; hazardous materials response team; and heavy urban rescue team. An employee may not receive more than \$240 per year regardless of the number of special units the employee may belong to at any one time.

b. Notwithstanding par. a, 2 employees designated by the fire chief as members of the hazardous materials response team shall each receive, in addition to base salary, annual compensation equivalent to \$500.

3. ADMINISTRATION. a. Payments made under this section shall be paid as soon as practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on the basis of service on the hazardous material response team will be made for an employee who was assigned to the team for less than a full calendar year. For purposes of prorating, an employee assigned to the hazardous material response team for at least 14 days in a calendar month shall be deemed as having been assigned to the team for the full calendar month; in the event the employee is assigned to the team for less than 14 days in a calendar month, the employee shall be deemed as not having been assigned to the team at all during the calendar month.

b. Notwithstanding par. a, special pay for hazardous material response team members may be paid on the last payroll check to eligible employees who leave the service of the city or to eligible deceased employees if the city determines it is administratively practicable to do so.

c. Payments made under this section shall not be construed as being part of employees' base pay and shall not be included in the computation of any fringe benefit.

d. Any payment made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in any computation establishing pension benefits or payments.

e. Payments under sub. 2-b shall cease in the event the state of Wisconsin eliminates or reduces its fundings to the city for regional hazardous materials response services.

f. Special pay for hazardous material response team members under sub. 2-b shall first become effective for calendar year 1995, with the payments for 1995 made as soon as administratively practicable. Payments under sub. 2 for 1996 and thereafter shall be made as soon as practicable after December 31 of the year for which they are earned.

g. Administration and control of this section shall be by the city.

350-152. Fire Department: Special Emergency Medical Technician Pay. 1. POSITIONS ELIGIBLE.

Employees in active service and in the position of fire chief shall be eligible for annual special emergency medical technician payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classification.

2. COMPENSATION. Employees who have attained and maintained state-certified emergency medical technician-1 status shall receive an amount in addition to base salary equivalent to \$750.

3. ADMINISTRATION. a. Payments made under sub. 2 shall be paid as soon as administratively practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on the basis of time served in emergency medical technician-1 status shall be made for those employees who have held emergency medical technician-1 status for less than 1 calendar year. For purposes of prorating, an employee who has held emergency medical technician-1 status for at least 14 days in a calendar month shall be deemed as having held emergency medical technician-1 status for the full calendar month; in the event an employee has held emergency medical technician-1 status less than 14 days in a calendar month, exclusive of any mandatory furlough time, the employee shall be deemed as not having held emergency medical technician-1 status at all during the calendar month.

b. An employee who separates from active service on account of voluntary resignation or normal service retirement during a calendar year shall receive the amount set forth in sub. 2 prorated on the basis of his or her active service during that calendar year computed to the nearest calendar month.

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c. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees must be in active service on December 31 of a calendar year in order to be eligible for that calendar year's payment.

d. Except as provided in par. e, payments made under the provisions of this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any fringe benefit.

e. An employee in active service who retires on a normal pension shall have his or her special emergency medical technician pay to a maximum of \$550 included in final average salary for purposes of computing his or her normal service retirement allowance. For purposes of interpretation and construction of this section, the special emergency medical technician pay benefit to which the employee is entitled to include in the final average salary computation shall be equal to the special emergency medical technician pay payment the employee received for the calendar year immediately preceding the employee's effective date of retirement to a maximum of \$550.

f. Administration and control of this section shall be by the city.

350-152.5. Fire Department: Special CPR Pay.

1. POSITIONS ELIGIBLE. Effective in calendar year 2000, employees in active service and in the following classifications shall be eligible for annual cardiopulmonary resuscitation (CPR) payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classifications:

- a. First assistant chief engineer.
- b. Deputy chief, fire.
- c. Battalion chief classifications.

2. COMPENSATION. Employees who have successfully completed an approved course in CPR shall receive an amount in addition to base pay equivalent to \$200.

3. ADMINISTRATION. a. Payments made under sub. 2 shall be paid as soon as administratively practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on

the basis of time served as CPR qualified shall be made for those employees who have held CPR qualified status for less than 1 calendar year. For purpose of prorating, an employee who has held CPR qualified status for at least 14 days in a calendar month, exclusive of any mandatory furlough time, shall be deemed as having held CPR qualified status for the full calendar month; in the event an employee has held CPR qualified status less than 14 days in a calendar month, the employee shall be deemed as not having held CPR qualified status at all during the calendar month.

b. An employee who separates from active service on account of voluntary resignation or normal service retirement during a calendar year shall receive the amount set forth in sub. 2 prorated on the basis of his or her active service during that calendar year computed to the nearest calendar month.

c. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees must be in active service on December 31 of a calendar year in order to be eligible for that calendar year's payment.

d. Payments made under the provisions of this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any other fringe benefit.

e. Administration and control of this section shall be by the city.

350-153. Former Town of Lake Firemen's Pension Fund.

1. Any city of Milwaukee employee who is a member of the former Town of Lake firemen's pension fund system and employed on July 28, 1974, in the Milwaukee fire department as a fireman as the term fireman is defined in s. 36-02-16 of the Milwaukee city charter who has qualified for pension rights under such Town of Lake firemen's pension fund shall be entitled to receive, in addition to the benefits provided for in aforesaid Town of Lake firemen's pension fund, 2% of such employee's final average salary for each year of such employee's creditable service in excess of 25 years of service, up to a maximum of 10 such excess years of service.

2. The term "final average salary" as used herein shall mean the average annual regular base salary computed on the year of service preceding the date of retirement during which the employee's regular base salary was the highest.

3. Payments made such employee or his beneficiary resulting from such additional 2% of final average salary per year of creditable service for years of service in excess of 25 years of service shall be called supplementary service credit payments.

4. In the event such employee's benefits presently provided for by aforesaid former Town of Lake firemen's pension fund are increased by the Wisconsin state legislature in any way, then the monetary amounts payable to such employee or his beneficiary owing to such increase shall cause aforesaid supplementary service credit payments to be reduced by like amounts on a dollar for dollar basis.

350-155. Outside Employment. 1. NOT PERMITTED. Except as provided in sub. 2 and 3, no member of the fire department shall be engaged in any other employment, nor shall he receive compensation for the performance of any other service for the city; provided that if a member of the fire department shall be incapacitated and unable to perform his regular duties as a member of the department, and such fact has been properly ascertained, he shall be permitted, with the approval of the chief, to be engaged in employment outside of his regular fire department duties for a period of 6 months, such period to be extended for one additional 6-months' period upon the approval of the chief of the fire department. No such member shall be reinstated to employment in the fire department until such member has passed a medical examination for the particular disability for which such member has been incapacitated, showing such member fit for active duty with the fire department.

2. **NONEMERGENCY EMPLOYEES.** Members of the Milwaukee fire department shall consist of 2 categories as related to the emergency and nonemergency nature of their duties. Employees of nonemergency nature shall be classed as those whose titles fall within the pay ranges established for the first 4 clerk-stenographer levels of the city service, and such nonemergency employees shall be excluded from the provisions of sub. 1.

3. **EXCEPTION.** Effective January 1, 1969, members of the fire department may engage in outside employment for a maximum of 16 hours per week noncumulative, administered by the chief engineer, fire.

350-163. Policemen and Firemen Duty Disability. Any policeman or fireman receiving duty disability payments from the employees' retirement system who has one or more children under the age of 18 years, who are either issue of such policeman or fireman or who have been legally adopted pursuant to statutes of the State of Wisconsin, shall be paid out of the general fund the sum of \$80 for each such living child up to the time that such child reaches the age of 18; provided, however, that the total amount of salary earned through gainful employment, together with the aggregate payments for such child allotment, and pension allowance to any one policeman or fireman who is on duty disability shall not exceed the current monthly salary for the position held by such person at the time of retirement, independent of the number of minor children under the age of 18. The payments shall continue only as long as such policeman or fireman receives duty disability payments from the employees' retirement system. In order to be eligible for such child allotment the policeman or fireman requesting such payments shall file an affidavit setting forth the names of the child or children eligible for such child allotment, their date of birth, where such children were born, whether such children are issue of such applicant or whether such children have been adopted, and if adopted, a detailed statement of the circumstances under which such adoption occurred. This section shall be administered under the supervision and direction of the city comptroller and the city treasurer, and the city comptroller shall determine the procedures by which payments shall be made and such other requirements as may be necessary in the opinion of both the city comptroller and city treasurer in order to safeguard the rights and interests of the city. The application form shall, in addition to all other information, state on the face thereof that the applicant agrees for himself and his minor children that any payment made under the terms of this section as a child allotment may be terminated at the sole option of the city, at any time that action to terminate such

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child allotment is taken by the common council. Such payment is in no way either an expressed or implied agreement on the part of the city, but only constitutes a voluntary payment on its part, which the city may terminate at any time it so determines. Failure of the city to appropriate money for this purpose shall automatically terminate all child allotment payments.

350-165. Physical Examination of Applicants.

Whenever application is made for a position on the fire or police force of the city of Milwaukee, the applicant shall report to the secretary of the fire department or of the police department, or his assistant, and shall be assigned to regularly appointed physicians or surgeons of the respective departments for a physical examination. The examination shall be given to the applicant by the respective designated physician or surgeon without charge to such applicant.